IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 496 of 2003
With
SPECIAL CIVIL APPLICATION No. 5649 of 2002

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RASIKBHAI M PATEL - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR SK JHAVERI for Petitioner(s) : 1,MR DIPEN A DESAI for Petitioner(s) : 1,MS JIRGA D JHAVERI for Petitioner(s) : 1,
MR SIRAJ GORI AGP for Respondent(s) : 1 - 2.
MR HS MUNSHAW for Respondent(s) : 3,
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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 25/11/2005

ORAL JUDGMENT

1. In these petitions, the petitioners who were at the relevant time discharging the duties as Chairman of the

Executive Committee and President of Gandhinagar District Panchayat have challenged orders passed against them by the authorities below by which they are sought to be disqualified, in terms of the provisions of Section 85(2) of the Gujarat Panchayats Act, 1993. For certain alleged incident in which both the petitioners were allegedly involved, the Development Commissioner issued show cause notice why the petitioners should not be disqualified in exercise of powers u/s 85(2) of the Gujarat Panchayats Act. Since in the mean time the term of the panchayat had come to an end. Eventually orders came to be passed against the petitioners by the Development Commissioner on 20th September, 2001 disqualifying them for a period of three years from being members of the District Panchayat. The petitioners appealed unsuccessfully against the orders passed by the Development Commissioner. Their appeals came to be rejected by the State Government. The petitioners have challenged these orders in the present petitions.

2. It can be seen that the Development Commissioner had provided for disqualification of the petitioners for a period of three years by his order dated 20th September, 2001. The period for which the petitioners would have

been disqualified would, therefore, be over by 21st September, 2004. The period for which the petitioners were ordered to be disqualified is over, and effectively their disqualification having come to an end on 21st September, 2004, I find that the issues arising in these petitions have become irrelevant. The petitions having become infructuous, the same are disposed of accordingly. No useful purpose will be served in deciding the legal issues arising, in view of the fact that the period for which the petitioners were sought to be disqualified is over long back. Rule is discharged. No order as to costs.

(Akil Kureshi, J.)

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